

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL J. SMOLEN, JR.,

Plaintiff,

Case No. 7:16-cv-02417-PMH

v.

**WRIT OF
HABEAS CORPUS
AD TESTIFICANDUM**

C.O. M. WESLEY, C.O. W. STEVENS, and C.O.
C. LAMPON,

Defendants,
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To: Danielle Tope, Psy.D., Acting Executive Director, **SECURE TREATMENT AND REHABILITATION CENTER – OAKVIEW**, 9005 Old River Road, Marcy, New York 13403, P.O. Box 300, or her Assistant;

Joseph K. Spano, Commissioner, **WESTCHESTER COUNTY DEPARTMENT OF CORRECTION**, 10 Woods Road, Valhalla, New York 10595, or his Assistant;

Ivan R. Lopez, Captain, Booking & Transportation Operations, **WESTCHESTER COUNTY DEPARTMENT OF CORRECTION**, 10 Woods Road, Valhalla, New York 10595, or his Assistant; and

Ralph Sozio, **U.S. MARSHAL & U.S. MARSHALS SERVICE (S.D.N.Y.)**, 500 Pearl Street, Suite 400, New York, New York 10007, or his Assistant.

GREETINGS:

**THE OFFICE OF MENTAL HEALTH FOR THE STATE OF NEW YORK, OR
THEIR DULY AUTHORIZED AGENT, IS HEREBY COMMANDED** to produce Plaintiff
SAMUEL J. SMOLEN, JR., DIN #85A4082 (“Plaintiff”),¹ presently detained at the Secure

¹ For the avoidance of doubt, the term “Plaintiff” refers to the Plaintiff in the above-captioned case, DIN #85A4082, whether Plaintiff’s name is spelled Samuel J. Smolen, Jr. or Samuel J. Smollen, Jr. in any record of the Department of Corrections and Community Supervision (“DOCCS”) or the Office of Mental Health (“OMH”).

Treatment and Rehabilitation Center – Oakview, for the trial of this action, and that Plaintiff be brought under safe and secure custody to the Westchester County Jail, 10 Woods Road, Valhalla, New York 10595, on October 3, 2022; and it is further

ORDERED, that the Westchester County Department of Correction notify Plaintiff's counsel by telephone of Plaintiff's location and arrival at the Westchester County Jail; and permit Plaintiff to meet with his counsel for the purpose of preparing for trial in this action; and it is further

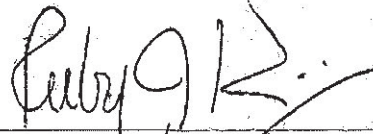
ORDERED, that the Westchester County Department of Correction shall transport and produce Plaintiff to the Honorable Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601 ("Courthouse"), Courtroom 520, on October 17, 2022, at 8:30 a.m., and any subsequent date as is necessary, for a trial beginning on that day and lasting until approximately October 20, 2022; and it is further

ORDERED that the Westchester County Department of Correction shall provide all prisoner housing and transport for the Plaintiff for the duration of trial and Westchester County Department of Correction security staff shall be allowed to accompany Plaintiff at that time; and it is further

ORDERED that the United States Marshal shall provide safe and secure custody assistance at the Courthouse only; and it is further

ORDERED that upon the satisfaction of this Writ by this Court, the Office of Mental Health for the State of New York shall retrieve Plaintiff from the Westchester County Jail to return to the Secure Treatment and Rehabilitation Center – Oakview, with the Office of Mental Health, the Westchester County Department of Correction, and the United States Marshal each bearing their respective costs of implementing the terms of this Writ.

WITNESS, the Honorable PHILIP M. HALPERN, United States District Judge, for the Southern District of New York, attested by my hand this 28th day of September, 2022.



Clerk of the United States District Court
For the Southern District of New York



The Honorable Philip M. Halpern
United States District Judge